

SEAL
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

1. **ROSNIL ORTIZ**, a/k/a "Rico,"
and
2. **JUAN PENA**, a/k/a "JJ,"
Defendants.

Cr. No.

VIOLATIONS:

21 U.S.C. § 846 --
Conspiracy to Distribute Cocaine
Base
21 U.S.C. § 853 --
Drug Forfeiture Allegation

INDICTMENT

COUNT ONE: (21, U.S.C. § 846 -- Conspiracy to Distribute
Cocaine Base)

The Grand Jury charges that:

1. From a time unknown to the Grand Jury and continuing until on or about June 8, 2016, at Boston, Revere, Saugus and elsewhere in the District of Massachusetts, and at other places presently known and unknown:

1. **ROSNIL ORTIZ**, a/k/a "Rico," and
2. **JUAN PENA**, a/k/a "JJ,"

the defendants herein, did knowingly and intentionally combine, conspire, confederate and agree with each other, and with other persons known and unknown to the Grand Jury, to distribute, and to possess with intent to distribute, cocaine base, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

2. The Grand Jury further charges that the conspiracy described herein involved 28 grams of a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(B)(iii).

Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(iii), is applicable to this count.

3. The Grand Jury further charges that 28 grams or more of a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance, are attributable and were reasonably foreseeable to defendants **(1) ROSNIL ORTIZ** and **(2) JUAN PENA**.

Accordingly, Title 21, United States Code, Section 841(b)(1)(B)(iii), is applicable to this count as to these two defendants.

All in violation of Title 21, United States Code, Section 846.

DRUG FORFEITURE ALLEGATION
(21 USC § 853)

The Grand Jury further charges that:

4. Upon conviction of the offense alleged in Count One of this Indictment:

1. **ROSNIL ORTIZ**, a/k/a “Rico,” and
2. **JUAN PENA**, a/k/a “JJ,”

the defendants herein, shall forfeit to the United States, jointly and severally, any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such violations; and/or any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, any such violations.

5. If any of the property described in paragraph 4, above, as a result of any act or omission of the defendants –

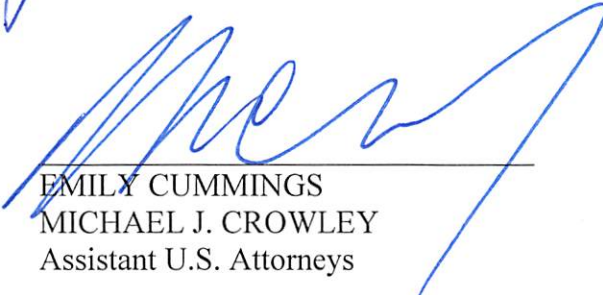
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property described in paragraph 4 above.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL,


FOREPERSON OF THE GRAND JURY


EMILY CUMMINGS
MICHAEL J. CROWLEY
Assistant U.S. Attorneys

DISTRICT OF MASSACHUSETTS

June 8, 2016

Returned into the District Court by the Grand Jurors and filed.

 12:00 PM
Deputy Clerk